

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Norfolk Division)**

CHARLES CULLEY,

Plaintiff,

v.

Case No.: 2:19-cv-00671

TEXAS ROADHOUSE HOLDINGS, LLC,
TEXAS ROADHOUSE, INC., and
TEXAS ROADHOUSE MANAGEMENT CORP.,

Defendants.

NOTICE OF REMOVAL

Defendants Texas Roadhouse Holdings LLC, Texas Roadhouse, Inc. and Texas Roadhouse Management Corp., by and through counsel, hereby give notice of removal of the above action from the Circuit Court of the City of Virginia Beach, Virginia (“Circuit Court”), to the United States District Court for the Eastern District of Virginia, Norfolk Division, pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Defendants state as follows:

1. There is pending in the Circuit Court of The City of Virginia Beach, Virginia, a Complaint styled CHARLES CULLEY, JR v. TEXAS ROADHOUSE HOLDING, LLC et al, Case No. CL19-120 (the “State Court Action”). The Complaint in the State Court Action was filed on or about November 4, 2019. A copy of the Complaint is attached hereto as Exhibit A.

2. Defendants received a copy of the Complaint in the State Court Action on November 15, 2019.

3. Defendants filed an Objection to Venue and Answer on December 5, 2019 in the Circuit Court, but no further proceedings have been had in the State Court Action. A copy of the above referenced responsive pleadings is attached hereto as Exhibit B.

4. This Notice of Removal is filed within thirty days of the date upon which Defendants first received a copy of the Complaint and is therefore timely pursuant to 28 U.S.C. § 1446(b).

5. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

6. Upon information and belief, Plaintiff is an individual residing in and a citizen of New Jersey.

7. Texas Roadhouse Holdings LLC's sole member is Texas Roadhouse, Inc. Texas Roadhouse, Inc. is incorporated under the laws of the State of Delaware with its principal places of business in Louisville, KY.

8. Defendant Texas Roadhouse, Inc. is incorporated under the laws of the State of Delaware with its principal places of business in Louisville, KY.

9. Defendant Texas Roadhouse Management Corp. is incorporated under the laws of the Commonwealth of Kentucky, with its principal place of business in Louisville, KY.

10. The Complaint sues for \$74,000. However, On August 13, 2019, less than three months prior to filing the Complaint, Plaintiff made a \$750,000 demand detailing \$81,448 in past medical specials. The demand further states that Plaintiff's injuries are chronic and permanent,

and he continues to have accident related problems. A copy of this demand is attached hereto as Exhibit C.¹

11. This action is properly removed on grounds of diversity jurisdiction because (a) complete diversity of citizenship exists between Plaintiff and all three named Defendants and (b) the amount in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs. The amount in controversy is established by the August 13, 2019 demand letter, pursuant to 28 U.S.C. § 1446(b) and (c).

12. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court of The City of Virginia Beach, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants Texas Roadhouse Holdings LLC, Texas Roadhouse, Inc. and Texas Roadhouse Management Corp. respectfully request that this case proceed before this Court as an action properly removed.


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¹ Defendants apologize to the Court that Exhibit C is cutoff. Defendants were not in possession of a better copy of the correspondence at the time of filing this Notice of Removal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Notice of Removal was mailed, first class, postage prepaid, this 11th day of December, 2019, to

Michael Goodove, Esquire.
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220 W. Freemason Street
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